

# HOUSE BILL 947

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HB 448/19 – HGO

0lr2524  
CF SB 169

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By: ~~Delegate Cullison~~ Delegates Cullison, Bagnall, Bhandari, Carr, Charles, Chisholm, Hill, Johnson, Kerr, Kipke, Krebs, R. Lewis, Morgan, Pena-Melnyk, Pendergrass, Rosenberg, Saab, Sample-Hughes, Szeliga, and K. Young

Introduced and read first time: February 5, 2020  
Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 7, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Occupations – Violations of the Maryland Dentistry Act – Penalties and**  
3 **Cease and Desist Orders**

4 FOR the purpose of authorizing the State Board of Dental Examiners to issue a cease and  
5 desist order for certain violations; altering certain penalties for certain acts related  
6 to the unauthorized practice of dentistry or dental hygiene; ~~authorizing the Board to~~  
7 ~~levy certain civil fines for certain violations under certain circumstances;~~ altering  
8 certain penalties for violating certain provisions of law related to dental laboratory  
9 work or advertising a dental appliance; providing for the application of certain  
10 provisions of this Act; repealing certain provisions of law that specify certain places  
11 of imprisonment; ~~providing for a delayed effective date;~~ and generally relating to  
12 cease and desist orders and penalties for violations of the Maryland Dentistry Act.

13 BY adding to  
14 Article – Health Occupations  
15 Section 4–321  
16 Annotated Code of Maryland  
17 (2014 Replacement Volume and 2019 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Health Occupations  
20 Section 4–606

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland  
2 (2014 Replacement Volume and 2019 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
4 That the Laws of Maryland read as follows:

5 **Article – Health Occupations**

6 **4–321.**

7 **IN ADDITION TO ANY OTHER PENALTIES OR DISCIPLINARY ACTIONS**  
8 **AUTHORIZED UNDER THIS TITLE, THE BOARD MAY ISSUE A CEASE AND DESIST**  
9 **ORDER FOR CONDUCT THAT:**

10 **(1) IS IN VIOLATION OF § 4–601 OR § 4–602 OF THIS TITLE; OR**

11 **(2) VIOLATES ANY PROHIBITION IN SUBTITLE 4 OF THIS TITLE THAT**  
12 **RELATES TO DENTAL LABORATORY WORK.**

13 4–606.

14 **(a) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
15 **SUBSECTION, A person who practices or attempts to practice dentistry without a license**  
16 **in violation of § 4–601(a) of this subtitle or represents to the public in violation of § 4–602**  
17 **of this subtitle that the person is authorized to practice dentistry is ~~guilty~~**

18 **~~(H) GUILTY~~ of a [misdemeanor] FELONY and on conviction is**  
19 **subject to:**

20 **[(1)] ~~1. (I)~~ For a first offense, a fine not exceeding [\$2,000] \$5,000 or**  
21 **imprisonment [in jail] not exceeding [6 months] 1 YEAR; or**

22 **[(2)] ~~2. (II)~~ For a subsequent offense, a fine not exceeding [\$6,000]**  
23 **\$20,000 PER DAY or imprisonment [in the State penitentiary] not exceeding [1 year] 5**  
24 **YEARS; ~~AND~~**

25 **~~(H) ON CONVICTION OR A PLEA OF NOLO CONTENDERE,~~**  
26 **~~SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO BE LEVIED BY THE BOARD.~~**

27 **(2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO**  
28 **PRACTICES OR ATTEMPTS TO PRACTICE DENTISTRY WITHOUT A LICENSE IF THE**  
29 **PERSON’S LICENSE HAS BEEN EXPIRED FOR A PERIOD OF NOT MORE THAN 6**  
30 **MONTHS.**

1           (b)   (1)   [A]   EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
 2   SUBSECTION, A person who practices or attempts to practice dental hygiene without a  
 3   license in violation of § 4–601(a) of this subtitle, aids or abets unauthorized practice of  
 4   dental hygiene in violation of § 4–601(b) of this subtitle, or represents to the public in  
 5   violation of § 4–602 of this subtitle that the person is authorized to practice dental hygiene  
 6   is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

7                           (2)   THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO  
 8   PRACTICES OR ATTEMPTS TO PRACTICE DENTAL HYGIENE WITHOUT A LICENSE IF  
 9   THE PERSON’S LICENSE HAS BEEN EXPIRED FOR A PERIOD OF NOT MORE THAN 6  
 10   MONTHS.

11           (c)   A person who violates any provision of Subtitle 4 of this title, which relates to  
 12   dental laboratory work, or who advertises a dental appliance in violation of § 4–503(c) of  
 13   this title is guilty of a [misdemeanor] **FELONY** and on conviction is subject to a fine not  
 14   exceeding \$2,000 **PER DAY** or imprisonment [in jail] not exceeding [6 months] **2 YEARS**.

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~  
 16   ~~1, 2021~~ October 1, 2020.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.